

18.09.2024
SL No.9
Court No.29
(gc)
(partly-allowed)

CRM (A) 3240 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Mothabari Police Station Case No.388 of 2024 dated 09.07.2024 under Sections 498A/323/315/34 of the Indian Penal Code read with Section 4 of D.P. Act.

And

In the matter of : **Imani Sk. @ Yemani Sekh @ Imani Sekh & Anr.**
- Petitioners.

Mr. Sujoy Sarkar,
Mr. Musharaf Alam,
Ms. Sneha Srivastava,
Mr. Rahul Chachan

....For the Petitioners.

Mr. Sandip Chakrabarty,
Mr. Habib Hassan

... For the State.

1. The statement of the victim recorded under Section 164 Cr.P.C. is placed before us.
2. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence, the statement of the victim which directly implicates the petitioner no.1 for kicking her in the abdomen and the ultrasonography report which shows that there is an early foetal demise, we are not inclined to grant anticipatory bail to the petitioner no.1.
3. Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, **Imani Sk. @ Yemani Sekh @ Imani Sekh**, is rejected.
4. However, having regard to the role ascribed to the petitioner no.2, we are of the view that custodial interrogation of the petitioner no.2 is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Sefali Bibi**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner no.2 shall meet the I.O. as and when required following the norms applicable to the female accused.
6. It is further directed that the petitioner no.2 shall appear before the learned Chief Judicial Magistrate, Malda in connection with G.R. Case No.4756 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)